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VIA ELECTRONIC FILING

The Honorable Gabriel W. Gorenstein
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

January 3, 2024

Re: Response to Erdman Letter dated January 2, 2024
Tyler Erdman v. Adam Victor, et al., No. 20 Civ. 4162

Dear Judge Gorenstein,

This letter is written in response to the letter filed by the Plaintiff dated January 2, 2024, and in opposition to his request to compel Defendant to provide the privilege log entries.

Plaintiff states we have failed to produce privilege log entries as ordered at the conference dated December 21, 2023. This comment is interesting due to the fact he graciously (at the time) granted an extension of one week during a phone conversation held last week just before the holiday. I explained that more time was needed due to a family matter that had unfortunately arisen during the holidays, one that I would rather not discuss, but would if compelled to do so. I explained to the Plaintiff this was an issue that could be taken care of between us, there being little need for the court's intervention. But as has been typical for the Plaintiff, he is reaching for any advantage he can obtain because his case is lacking on the merits. The fact remains the extension was granted.

PLEASE RESPOND TO BROOKLYN OFFICE

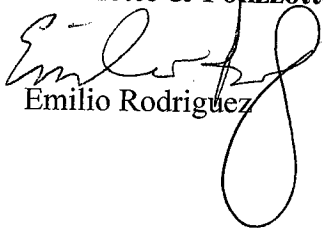
Another issue mentioned in his letter is that of control numbers. They cannot be provided for items that have not been entered into the production queue, as is the case with these documents. The emails from Timlin have also turned out to be more than just four (more along the lines of thirty or so). I am about to enter them into the system maintained by the document vendor, and produce those not meant to be added to the privilege log.

Finally, what is meant by a document vendor is clear: the document vendor is the organization that sets up the database of documents provided during discovery. The vendor in our case is TransPerfect. SETEC was a forensics firm retained by my client in the past that had possession of those documents, and eventually turned them over to the document vendor for production. TransPerfect is the only entity that will be able to address the issues raised during the conference held last month, and is the only entity that needs to be present during the meeting ordered during that conference.

Therefore, there is no need to compel production of privilege log entries that are in the process of being imminently provided, and are not late in accordance with the extension granted. Also, TransPerfect is the only vendor that needs to be present during the court-ordered meeting.

Yours faithfully

Polizzotto & Polizzotto, LLC



Emilio Rodriguez